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Subpart A – Purpose

Berry Bros. General Contractors, Inc. (BBGCI) is committed to a safe, healthy, and productive workplace for all employees. The company recognizes that alcohol, drug, or other substance abuse by employees will impair their ability to perform properly and will have serious adverse effects on safety, efficiency and productivity of other employees and the company as a whole. The misuse of legitimate drugs, or the use, possession, distribution, or sale of illicit or unprescribed controlled drugs on Berry Bros. General Contractors, Inc. business or premises is strictly prohibited and is grounds for termination. Possession, use, distribution, or sale of alcoholic beverages on Berry Bros. General Contractors, Inc. premises is not allowed without prior approval of appropriate senior management. Being unfit for work because of the use of drugs or alcohol is strictly prohibited and is grounds for termination of employment. While this policy refers specifically to alcohol and drugs, it is intended to apply to inhalants and all other forms of substance abuse.



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Employees who suspect they have an alcohol or drug dependency problem are encouraged to seek advice and/or help and to follow appropriate treatment promptly before it results in job performance problems.

The use of some medically prescribed medications; i.e. medical use marijuana, etc., will impair the ability to perform properly and will have serious adverse effects on safety, efficiency, and productivity of all employees. Being unfit for work because of use of alcohol or drugs or prescription medications is strictly prohibited and grounds for disciplinary action including termination of employment.

Contractors and sub-contractors are also required to promote safe, healthy, and productive work environments for all of their employees. As such, contractors and sub-contractors must adopt BBGCI's Alcohol, Drug, and Contraband policy. Those contractors and sub-contractors who violate the policy will be removed from the premises and may be denied future work. BBGCI has established an Alcohol, Drug, and Contraband policy requiring alcohol and drug testing under certain circumstances. This program specifies those circumstances for alcohol and drug testing methods and procedures.

SUBPART B – Definitions

- A. Personnel** – Any of BBGCI employees, agents, sub-contractors or sub-contractors' employees working on any client's premises.
- B. Client's Property** – All real or tangible personal property, including facilities, buildings, vehicles, products, and equipment either owned or controlled by the client.
- C. Prohibited Substances** –
 - i) Illicit or unprescribed drugs, controlled substances, and mood or mind altering substances i.e. any synthetic derivative or product that produces marijuana type symptoms and any herbal products not intended for human consumption.
 - ii) Prescribed drugs used in a manner inconsistent with the prescription.
 - iii) Alcoholic beverages.
 - iv) Medical marijuana / recreational marijuana – the use of marijuana for medical and or recreational purposes, even if permitted by state law, regulation or ordinance, will not be considered an acceptable explanation for a confirmed positive laboratory report for marijuana and



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will be reported by the Medical Review Officer (MRO) as verified positive drug test for marijuana. BBGCI will treat marijuana like they would alcohol; BBGCI will not tolerate individuals being under the influence while at work, or on a customer’s property. BBGCI will not permit or accommodate the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace.

D. Reasonable Suspicion – A belief based on objective and articulable facts sufficient to lead a supervisor to suspect use or consumption.

E. Under the Influence –

- i) The presence of a prohibited substance or metabolites of a prohibited substance in body fluids above the cut-off level established by this policy and/or
- ii) The presence of a prohibited substance that affects an individual in any detectable manner. The symptoms of influence may be, but are not limited to slurred speech or difficulty maintaining balance.

Subpart C – Prohibitions

Personnel are prohibited from the following:

A. Using, possessing, selling, manufacturing, distributing, concealing, or transporting on client’s property any of the following items:

- i. Any prohibited substance.
- ii. Contraband, including firearms, ammunition, explosives, and weapons.
- iii. Illicit drug equipment or paraphernalia.

B. While on the client’s property, possessing or using prescription drugs or over-the-counter medication that may cause impairment except when all of the following conditions have been met:

- i. Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs.
- ii. The prescription was filled by a licensed pharmacist for the person possessing the drugs.
- iii. The individual notifies his/her supervisor, if he/she will be in possession of or using impairment-causing prescription drugs or over-the-counter medication and appropriate steps are taken to accommodate the



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possibility of impairment, including but not limited to, removal from work for the period of possible impairment.

- C. Being under the influence of prohibited substances while performing any work for the client.
- D. Switching or adulterating any urine, blood, or other sample used for testing.
- E. Performing work for the client if that person has tested positive, or refused testing, in any employment-related test except personnel seeking access to client property may be considered if the positive employment-related test in question was an initial pre-employment test administered more than twelve months before and the employee will not perform in a designated-like position.

Subpart D - Searches and Inspections

On client property or company property, personnel are subject to random unannounced searches by client personnel, Berry Bros. personnel, or their designated authority of their property that may include but not limited to the following: wallets, purses, lockers, baggage, offices, desks, tool boxes, clothing, and vehicles. The searches will be conducted by supervisors/or authorized search and inspection specialists, including scent-trained animals.

Subpart E - Alcohol and Drug Testing

Alcohol and drugs to be tested for are any of the following substances and their threshold levels:

Substance	Screen Level	Confirmation Level
ALCOHOL	.02% BAC**	.04% BAC**
Amphetamines	300 ng/mL	
Amphetamines		250 ng/mL
Methamphetamine		250 ng/mL
MDA Analogues	250 ng/mL	
MDA		200 ng/mL
MDMA		200 ng/mL



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Substance	Screen Level	Confirmation Level
MDEA		200 ng/mL
Barbiturates	300 ng/mL	100 ng/mL
Benzodiazepines	300 ng/mL	100 ng/mL
Cocaine Metabolites	150 ng/mL	100 ng/mL
Marijuana Metabolites	20 ng/mL	10 ng/mL
Methadone	300 ng/mL	100 ng/mL
Methaqualone	300 ng/mL	200 ng/mL
Opiates	2000 ng/mL	2000 ng/mL Morphine
6-Acetylmorphine	10 ng/mL	2000 ng/mL Codeine
Phencyclidine (PCP)	25 ng/mL	10 ng/mL Heroin
Propoxyphene	300 (ng/ml)	25 ng/mL
		200 (ng/ml)

** BAC – Blood Alcohol Content

Subpart F - Types of Alcohol and Drug Tests

A. Pre-employment Testing

All applicants for initial employment must successfully pass a pre-employment drug test prior to working for BBGCI. All applicants will be notified at the time they complete a job application, that they will be required to submit to a drug and alcohol test if they are considered otherwise qualified for employment and that they will be subject to the terms and conditions of the Policy if they are ultimately hired.

B. Additional Client Testing (Pre-Access)

While working for a client that may require alcohol and drug testing, BBGCI will adopt those testing requirements such as pre-assignment or pre-access testing.

Each contractor personnel must receive a negative result on an alcohol and drug test within 12 months preceding first access to client property. Additionally, a negative result must be received on an alcohol and drug test in any calendar year in which work is being performed on client property.



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C. Post-Incident Testing

An incident is defined as any incident that caused personal injury requiring medical treatment beyond first aid administered at the work site, significant property damage, or an incident that carried the potential for serious personal injury or significant property damage.

Following an incident, BBGCI will conduct an alcohol and drug test on each employee or supervisor whose performance either contributed to an accident/incident or cannot be completely discounted as a contributing factor in the accident/incident. A “rapid” quick result urine test will be done along with a DISA non-dot drug and alcohol test.

If an employee tests positive on the “rapid quick test”, the employee will not be allowed to go back to client property until the official non-dot test results from DISA come back showing negative results. A confirmed positive result from DISA will require the employee to complete the Follow-up testing procedure located in “F” below.

If the employee’s test results are negative, then the employee may return to work in his/her current position at the discretion of BBGCI’s management and will be compensated for the time missed according to the amount of hours his corresponding crew has worked for the period the employee has missed.

The post-accident screen will be conducted within 24 hours of the accident/incident unless otherwise indicated by law. Failure to complete or refusal of post-accident drug screen will be recorded as a refusal and could lead to disciplinary action up to termination.

D. Random Testing (Designated Positions)

All employees who perform work in a designated position will be subject to random alcohol and drug testing at any given time with no advance notice. The random selection process will ensure each employee the same fair and equal chance of being selected.

To assure the selection process is random; all employees covered under this program will be placed in a common pool. Every employee has an equal chance of being selected for random testing by the anonymous, objective



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selection criteria. Since each random sampling selects from the total pool of employees, it is conceivable that an employee could be tested more than once a year. The random selection procedure will pick the employee's name and social security number.

A urine specimen will be collected from the employee within 30 minutes plus travel time of being notified that they have been randomly selected for a drug test. Collection will be at an on-site or other approved collection facility. Random testing is performed each quarter and spread through the 12 month period and will be administered at an annual rate of at least 25 percent of the total pool of employees.

E. Reasonable Cause Testing

An employee will be required to submit to an alcohol and/or drug test when supervision determines that there is reasonable cause that an employee is using a prohibited drug/substance and/or under the influence of alcohol.

A test based upon reasonable cause should involve a supervisor, trained in the detection of probable alcohol and drug use, who must substantiate the decision that a test is necessary. All supervisors who substantiate the decision to test the employee for reasonable cause must receive training in detection of possible alcohol and drug use signs and symptoms. If a trained supervisor suspects an employee is under the influence, the supervisor must contact the Safety department and properly distinguish at least three of the listed traits in the following categories: behavioral, appearance, speech and body odor.

If upon reasonable suspicion of alcohol or drug use while working for a client, the employee will be removed from the property and will be allowed to return to work for the client only after signing a consent permitting disclosure to the client of the test results. The employee will not be allowed to work for the client unless the tests are negative and certified in writing.

In any reasonable cause circumstance, BBGCI personnel will transport the employee to an approved collection facility and await the completion of the collection procedure. The employee will then be transported back to BBGCI's premises.



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BBGCI will attempt to contact a taxi or family member to transport the employee home. If the employee refuses to agree to any of these procedures and attempts to operate a vehicle, BBGCI will make appropriate efforts to discourage the employee from doing so, up to and including contacting local law enforcement officials. Any employee failing to cooperate with any of these procedures described above will be subject to immediate termination or other disciplinary action.

F. Follow-up Testing

In the event that an employee tests positive for either alcohol or drugs, completes the approved rehab program, and wishes to come back to work, BBGCI reserves the option whether or not to rehire the employee based on the employee's previous work ethics and performance with BBGCI. The subsequent testing will be at the discretion of the MRO/employer and will be conducted according to recommendations of the SAP and **will be at the sole cost of the employee.** The employee will remain in the random screening pool as well. After the probationary period, the employee could and will be tested periodically thereafter for an additional year. After which time, if no test has come back positive during the probationary period, the employee will remain in the Random pool for normal testing protocols.

G. Wall-to-Wall Testing

BBGCI's personnel on certain customer premises are subject to unannounced, en masse drug and alcohol testing. Such tests are scheduled at the sole discretion of specific customers. This includes the determination of the scope for such testing in addition to the timing of such testing. The scope of such testing will be determined by the customer in terms of a group of employees to be tested. Such group will include all members if the named group on site at the determined time or time period and shall not be determined in terms of named individuals. Such groups may include, but are not limited to, all company personnel on site, or by shift, by crew, by location, by craft, by company, or by another similar category, including a random selection based on site access records.

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Subpart G - Non-Compliance of Alcohol , Drug, and Contraband Policy

Any BBGCI employee, contractor employee, or sub-contractor employee working on a “zero-tolerance client’s jobsite” who fails an alcohol and/or drug test or refuses to cooperate with the searches as required under this policy, will be subject to immediate termination and shall be removed from the client’s property and from **permanently** performing work for the client **when requested by the client**.


BBGCI will immediately notify the client that an individual has become “disqualified under BBGCI’s Alcohol, Drug, and Contraband Policy”. BBGCI will review with the client the nature of the work previously performed by the individual. At the client’s request, BBGCI may be required to inspect all work in which the individual may have participated in at is sole cost and risk, and submit a written report to the client documenting the inspection, any findings, and any actions taken to correct any deficiencies that may have been found.

Subpart H - Substance Abuse Awareness

BBGCI warrants that company personnel performing work have each been fully informed of the requirements of this policy and company’s policy. Before beginning work on company and or customer property, each BBGCI employee will have signed a written certification statement that he/she has been informed and agrees to be bound by these requirements. (See Appendix A)

Subpart I - Special Provisions – Customer-Approved Consortium

Enrollment in and maintenance of “active status” in a customer-approved consortium (DISA) that requires pre-employment testing and continuously subjects active members to random drug and or alcohol testing at an annual effective rate of at least 50% (unless otherwise specified by DOT) will be recognized as satisfying some customer’s pre-access and random testing requirements.

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Subpart J - Alcohol and Drug Testing Method

A. Alcohol Testing

Alcohol testing will be conducted by trained personnel or collection site personnel. A salvia screen or breath test will be conducted as an initial screen. If the results of this screen are positive, a confirmatory test will be conducted using an Evidential Breath Testing Device (EBT).

All alcohol testing shall be conducted on devices approved by the National Highway Traffic Safety Administration (NHTSA).

B. Drug Testing

Any person requested to undergo a drug test will be required to provide a urine specimen at a collection site approved by BBGCI. In order to ensure integrity of the specimen collection procedure, a standard Custody and Control Form will be used. This form will be completed by the employee and collection site personnel. The form will be completed by the person responsible for collecting the urine specimen and will be forwarded along with the urine specimen to a nationally or state certified laboratory, which will conduct the drug analysis.

C. Collection Facility

All Non-DOT collection and testing procedures shall mirror as closely as possible 49 CFR part 40 protocols as is identified in Appendix B.

D. Laboratory Analysis

All urine to be tested for the presence of prohibited drugs will be analyzed by a State or Nationally certified laboratory. All drug tests required by BBGCI will therefore be shipped for analysis to the laboratory listed in Appendix B.

E. Medical Review Officer (MRO)

The MRO, if used, is to interpret the lab results and is identified in Appendix B.



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Subpart K - Employee's Right to Request Retest of Specimen

If it is determined that there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of alcohol or prohibited drugs, the employee or applicant will be given the opportunity to request a retest of the original specimen at the same or another approved laboratory.

The employee must make a written request within ten (10) days from the date of the final test results. All requests for retesting must be made in writing to BBGCI's management. All retest costs will be paid for by the employee / applicant unless the retest is negative.

Subpart L - Education and Training

BBGCI will provide an educational program for its employees, which will include the following information:

- A. Informational materials will be displayed on bulletin boards.
- B. Community service hot-line telephone numbers for Substance Abuse Professional Network (SAP).
- C. BBGCI policy and/or policy details regarding the use of alcohol and prohibited drugs will be distributed and displayed on bulletin boards.

All supervisory personnel responsible for determining whether an employee must be alcohol and/or drug tested based on reasonable cause will complete a training program. This program will include the specific physical, behavioral, and performance indicators of probable alcohol and drug use and the implementation of BBGCI's policy on Alcohol and Drug use. Records of individuals trained (including name and date) must be maintained and available to customers upon request.

Subpart M - Record Keeping

All employee records will be kept confidential. Records of employee alcohol and drug test results that show employees failed an alcohol and/or drug test, and the type of test failed (e.g. pre-access, random, post-accident, reasonable cause,



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return to duty, etc) and disposition of employees who test positive will be kept for at least five (5) years. All other tests should be kept on file for a period of three (3) years. The person responsible for the implementation of this program and record keeping is the Alcohol and Drug Coordinator identified in appendix B.

Subpart N - Contractor / Sub-Contractor Employees

BBGCI will ensure that its contractors and sub-contractors adhere to BBGCI's policy while working for or on BBGCI property or BBGCI's client's property. Anyone who violates this policy will be removed from the premises and may be denied future entry.

Subpart O - Applicable Laws

BBGCI will comply with all applicable Federal, State, and local alcohol and drug related laws and regulations (e.g., DOT regulations, Department of Defense (DOD) Drug-Free Workforce Policy, Drug-Free Workplace Act of 1988).

Revision Date: 01-14, 10-14, 2-16, 3-19

Approved By: Safety Committee 06-08

**APPENDIX A
EMPLOYEE CERTIFICATE OF UNDERSTANDING AND
AGREEMENT**

I, the undersigned, certify that I have read and understand BBGCI's policy regarding alcohol and drug use and received a copy of that policy. I understand that disciplinary action, up to and including termination, will result if I violate this Policy.

I understand that a copy of the current Alcohol and Drug Testing procedures regarding applications of the policy is available to me at my request.

I also consent to submit to alcohol and drug testing and/or searches, by both BBGCI personnel and client personnel or designated authorities, and agree to comply with all the requirements of BBGCI, federal, state, local laws, or client requirements concerning the use or abuse of alcohol, drugs, prescription medication, and controlled substances.

I understand that my failure to honor the terms of this Policy will be grounds for removal from client work, the termination of my employment, or rejection of my application for employment.

I also consent and give authorization to BBGCI to disclose to any client of alcohol and drug test results and related information.

In addition, I consent to disclosure by BBGCI and its agents, including, but not limited to, any collecting and testing agencies, of test results identified above and any related information to the client and any of their affiliates and authorized agents, assigns, or representatives.

Employee Signature

S.S # (Last four)

Employee Name (Printed)

Date

APPENDIX B

Alcohol and Drug Coordinators

Jeffery Daigle – Primary
Lloyd Aucoin – Secondary

Name, address, and phone number of Collection Facilities

- | | |
|--|----------------|
| (1) Bourgeois Medical Clinic
1201 Kenneth Drive
Morgan City, LA 70380 | (985) 384-3355 |
| (2) Grand River Health & Safety Center
71 Sippelle Drive
Unit 1
Parachute, CO 81635 | (970) 285-5745 |
| (3) Work Kare
2724 Greenwood Road
Shreveport, LA 71109 | (318) 212-4750 |
| (4) DeSoto Regional Health System
Industrial Medicine Clinic/Lab/Clinics/ER
P.O. Box 1636
119 Jefferson Street
Mansfield, LA 71052 | (318) 872-5810 |
| (5) MedCenter One – Occupational Health
1531 W. Villard
Dickerson, ND 58601 | (701) 225-7575 |
| (6) Midland Physical Therapy Clinic
Dodson Street
Midland, TX 79701 | (432) 687-0235 |
| (7) Pecos Family Chiropractic Center
1309 West 3 rd Street
Pecos, TX 79772 | (432) 445-4878 |
| (8) Med Express
1500 Grand Central Ave.
Ste. 115
Vienna, WV 26105 | (304) 485-3627 |

- (9) Badlands Occupational Testing Service
105 Main Street South
Watford City, ND 58854 (701) 842-2326
- (10) Safety Works, LLC
656 West Villard Street
Dickinson, ND 58601 (701) 483-9212

Name, address, and phone number of Certified Laboratory

Quest Diagnostics
3175 Presidential Drive
Atlanta, GA 30340
800-877-7484

Name of Company MRO

Doctors: Randy Barnett, DO. (University Services)
2837 Southampton Rd.
Philadelphia, PA 19154